



CHAPTER xlviii.

An Act for enabling the Great Eastern Railway Company to construct new Railways in the counties of Norfolk and Suffolk and for other purposes. [3rd June 1897.] A.D. 1897.

WHEREAS it is expedient that the Great Eastern Railway Company (in this Act called "the Company") be authorised to construct the new railways herein-after described:

And whereas it is expedient that the Company and any company or persons for the time being working or using the railways by this Act authorised or other railways of the Company be empowered to run over and use the portion herein-after mentioned of the Mundesley Branch Railway jointly owned by the Midland and Great Northern Railway Companies:

And whereas it is expedient that the Company be empowered to apply their funds for the purposes of this Act:

And whereas plans and sections of the railways authorised by this Act the plans showing also the lands required for the purposes thereof and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the respective clerks of the peace for the counties of Norfolk and Suffolk and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the Great Eastern Railway (New Lines in Norfolk and Suffolk) Act 1897. Short title.

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Incorporation of general enactments.

2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say) :—

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ; and

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to execute works shown on plans and sections.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all necessary stations sidings approaches and other works and conveniences in connexion therewith respectively and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as are required for those purposes.

The railways herein-before referred to and authorised by this Act are the following (that is to say) :—

(1) A Railway (No. 1) 9 miles 3 furlongs and 1·5 chains or thereabouts in length commencing in the parish of Gorleston in the county of Norfolk by a junction with the Company's East Suffolk line and terminating in the parish of Lowestoft in the county of Suffolk by a junction with the lines of the Company's Reedham and Lowestoft and Beccles and Lowestoft branches :

(2) A Railway (No. 2) 5 miles 7 furlongs and 5 chains or thereabouts in length wholly in the county of Norfolk commencing in the parish of Knapton by a junction with the authorised Mundesley branch of the Midland and Great Northern Railway Companies and terminating in the parish of Happisburgh.

Power to cross certain

5. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway)

of the Railways Clauses Act 1863 contained in reference to the A.D. 1897.
 crossing of roads on the level the Company may in the construction roads on the
 of the railways carry the same with a single line only whilst the level.
 railways shall consist of a single line and afterwards with a double
 line only across and on the level of the public roads next herein-after
 mentioned (that is to say) :—

Railway.	No. on deposited Plans.	Parish.	Description of Road.
Railway No. 1	57	Lowestoft - -	Public.
Railway No. 2	2	Bacton - -	Public.
	27	Bacton - -	Public.
	39A	Bacton - -	Public.
	43	Bacton - -	Public.
	1	Ridlington - -	Public.
	10	Walcott - -	Public.
	26	Walcott - -	Public.
	2	Happisburgh - -	Public.
	20	Happisburgh - -	Public.

6. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

Widths of certain roadways.

Railway.	No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
Railway No. 1	12	Lowestoft -	Public -	Ft. 20
	36	Lowestoft -	Public -	20

7. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so

Power to divert roads as shown on deposited plans.

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Railway.	Parish.	No. of Road on deposited Plans.
Railway No. 1 - - -	Gorleston - - - -	54
Railway No. 2 - - -	Paston - - - - -	14
	Bacton - - - - -	17
	Bacton - - - - -	35
	Happisburgh - - - -	23

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

For protection of corporation of Great Yarmouth.

8. In the execution of the works and exercise of the powers in the borough of Great Yarmouth by this Act authorised the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Great Yarmouth (in this section called "the corporation") shall have effect (that is to say):—

- (1) In this section the word "street" shall include any public highway vested in the corporation;
- (2) In the construction altering improving enlarging and maintenance of the works authorised by this Act where they will cross over under or adjoin or in any way affect the streets sewers sea-water mains electric lines or works land or property now or hereafter belonging to or under the control of the corporation the same shall be done under the superintendence and to the reasonable satisfaction of the borough surveyor of the corporation and only according to such plans and in such manner as shall be submitted to and reasonably approved of by him in writing Provided always that if the borough surveyor shall for the space of one month after submission to him of such plans together with a request in writing to approve the same neglect or refuse to approve thereof or of any part thereof then and in such case the plans so submitted shall be referred to and approved by an engineer to be appointed by the president for the time being of the

Institution of Civil Engineers upon the application of either party whose decision shall be final and conclusive between the parties :

- (3) In the exercise of the powers of this Act the Company shall cause as little injury as may be to the streets sewers sea-water mains electric lines and works land and property now or hereafter belonging to or under the control of the corporation and so as to cause no interruption of the traffic over such streets or of the user of such sewers sea-water mains electric lines or works land or property of the corporation And the Company shall pay compensation to the corporation for all damage and injury loss and expenses whatsoever which the corporation may sustain or be put to by reason of the exercise of the said powers or any of them :
- (4) When the surface of any street has been interfered with or disturbed by the Company in constructing the works or exercising the powers by this Act authorised the Company shall well and sufficiently and to the reasonable satisfaction of the corporation restore the surface of the street so interfered with or disturbed :
- (5) Whenever it may be necessary to intercept or interfere with any existing sewer or drain the Company shall before intercepting or interfering with such existing sewer or drain construct according to a plan to be reasonably approved by the corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be intercepted or interfered with and in such manner as shall be reasonably approved by the corporation :
- (6) Whenever the sea-water mains pipes or apparatus or the electric lines or works of the corporation shall be severed or interfered with in the execution of any of the powers of this Act and whenever it is necessary for maintaining the supply of sea-water or electrical energy to lay additional mains pipes lines or works such additional mains pipes lines or works shall previous to the severance or interference be laid by the corporation at the expense of the Company :
- (7) The corporation may at any time construct a sewer under the Railway No. 1 by this Act authorised at the point at which such railway will cross the Lowestoft Road and the Company shall pay to the corporation the sum of £250 in

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respect of the cost of constructing such sewer The construction of the works to be carried out under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Company :

- (8) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any additional cost in altering any existing sewer drain sea-water main pipe or apparatus or electric line or work the Company shall repay to the corporation such additional cost :
- (9) If by reason of the execution of any of the powers of this Act any increased length of sewers drains sea-water mains or pipes electric line or work or any additional apparatus shall become necessary the same shall be constructed and laid by the corporation at the expense of the Company :
- (10) The gradient of any street or road diverted under the powers of this Act or carried over or under the railway shall not in the case of Lowestoft Road exceed 1 in 40 and in the case of any other street or road 1 in 30 :
- (11) All bridges carrying any streets over the railway and the railway over streets shall be so constructed as to give a clear width between the fences and abutments of not less than 40 feet in the case of Lowestoft Road and of not less than 30 feet in all other cases :
- (12) The Company shall in all cases where footpaths will be crossed by the railway carry the footpaths over the railway by footbridges with steps or the railway over the footpaths by means of bridges :
- (13) The Company shall construct and maintain on each side and for the full length of every bridge or viaduct carrying any street over the railway and works a substantial parapet or close screen not less (except with the consent of the corporation) than 5 feet in height above the level of the footway on such bridge or viaduct :
- (14) All parapets and screens of bridges made by the Company shall be constructed in such reasonably ornamental manner as the corporation shall reasonably approve of and shall not be used for the posting of bills or other advertising purposes on the sides of such parapets or screens facing any public road :
- (15) The Company shall not in the construction of Railway No. 1 by this Act authorised lower the surface of Harfreys Road or Burgh Road :

(16) The bridges for carrying the Railway No. 1 over the public roads in the parish of Gorleston shall have headways of not less than 16 feet : A.D. 1897.

(17) The corporation and the Company may enter into and carry into effect agreements for any variation in the work to be done under this section or in the mode of executing the same :

(13) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be determined by arbitration.

9. For the protection of the Great Yarmouth Waterworks Company (in this section called "the water company") and of their mains works and property the following provisions shall (unless otherwise agreed) apply and have effect :— For protection of Great Yarmouth Waterworks Company.

(A) Notwithstanding anything shown on the deposited plans the Company shall not under the authority of this Act enter upon take or use any of the lands of that company numbered on the deposited plans 75 and 77 in the parish of Gorleston :

(B) The Company shall in diverting or lowering any road in which any mains or pipes of the water company are situate leave a covering of not less than 3 feet from the surface of the road over such mains or pipes :

(C) The Company shall before commencing any works which would in any manner interfere with any main pipe or work of the water company give to the water company 14 days notice in writing of their intention so to do :

(D) All such works shall be constructed made and completed at the expense of the Company in a good substantial and workmanlike manner and to the reasonable satisfaction of the engineer for the time being of the water company and according to plans and specifications to be previously reasonably approved by him :

(E) During the construction of such works and at all future times during any repairing or reconstruction thereof by the Company the engineer for the time being of the water company and his assistants and workmen shall have free access to the said works in order to inspect the workmanship and materials thereof respectively :

(F) The Company shall be liable for and shall keep the water company indemnified from all damages whatsoever to their mains and works arising from the construction of the works of the Company and shall also repay to the water company the cost of all works which it may be necessary in consequence of

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the Company's works for the water company to execute in order to protect their said mains and works :

- (c) If any difference shall arise between the Company and the water company under the provisions of this section the same shall be determined by arbitration in manner prescribed by the Railway Companies Arbitration Act 1859 with respect to the settlement of disputes by arbitration.

For protection of trustees of will of Mrs. Georgiana Fowler deceased.

10. Notwithstanding anything in this Act contained to the contrary the following provisions shall apply and take effect for the protection of Ernest William Fowler William Thomas Exham Fosbery and Edward Henry Fosbery as trustees of the will of Mrs. Georgiana Fowler deceased or other the owner or owners for the time being of the parts of the Gunton Hall Estate situate in the parishes of Gunton and Lowestoft in the county of Suffolk remaining vested in the same trustees (herein-after in this section referred to as "the owner") unless otherwise agreed in writing between the owner and the Company (that is to say) :—

- (1) Before opening the Railway No. 1 by this Act authorised for public traffic the Company shall at their own expense erect make and construct and shall for ever thereafter maintain the following works and conveniences (that is to say) :—

At or near the point where the said railway crosses the high road from Lowestoft to Yarmouth (with an entrance to and from that road) as shown on the deposited plans a passenger and goods station So much of the land of the owner as will be required for such station to be purchased by the Company from the owner at a price to be agreed upon or failing agreement in manner provided by the Lands Clauses Acts ;

At 7 miles 4 furlongs on the deposited plans for the said railway a surface crossing ;

At a point to be selected by the owner between 7 miles 4 furlongs and 7 miles 5 furlongs on the said deposited plans a footbridge over the railway 5 feet wide at the least such footbridge to be erected and completed for use to the reasonable satisfaction of the surveyor for the time being of the owner :

- (2) Before opening the said railway for public traffic the Company shall at their own expense make form and complete a road 30 feet wide at the least at or near the southern boundary of the lands belonging to the owner (similar in all respects to the public roads in the immediate vicinity) to connect the Yarmouth Road with the High Road leading from Lowestoft to Corton

the land for such road to be provided by the owner without charge to the Company. The said road when constructed shall be kept in repair by the owner until taken over by the local authority :

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- (3) The Company will permit the owner to plant the slopes on the said railway where it passes through the lands of the owner as he may from time to time desire provided that such planting shall be carried out under the superintendence of the engineer of the Company and so as not to in any way interfere with or obstruct the signals of the Company. Provided that the Company shall at all times hereafter be entitled to lop top or altogether remove any of such trees as may interfere with or obstruct the said signals :
- (4) The Company shall not use or permit any siding constructed on any of the lands purchased from the owner to be used as a fish depôt :
- (5) The provisions in this section contained shall be in addition to and not in derogation of any rights remedies or compensation to which the owner is or may be entitled under the provisions of this Act or any Acts incorporated herewith :
- (6) The Company shall pay such of the owner's costs charges and expenses in relation to the purchase by the Company from the owner of the land for the said station as are under the Lands Clauses Acts payable in the case of lands taken compulsorily :
- (7) Any dispute or difference which may arise between the owner and the Company with reference to the provisions of this section (except as regards sub-section 4 hereof) or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be referred to arbitration under the provisions of the Arbitration Act 1889.

11. For the protection and benefit of William Thomas Exham Fosbery and Ernest William Fowler as trustees of the settlement made on the marriage of Edward Henry Fosbery and Georgiana Emily Sarah Fosbery his wife or other the owner or owners for the time being of lands formerly forming part of the Gunton Hall Estate in the parishes of Corton and Gunton in the county of Suffolk (in this section called "the owner") the following provisions shall unless otherwise agreed to in writing between the owner and the Company have effect (that is to say) :—

For protection of trustees of Mr. and Mrs. Edward Henry Fosbery's marriage settlement.

- (1) Before opening Railway No. 1 by this Act authorised for public traffic the Company shall at their own expense construct

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and make and shall for ever thereafter maintain the following works and conveniences (that is to say) :—

A bridge at a point to be selected by the owner between the points marked and measured on the deposited plans of Railway No. 1 6 miles 5 furlongs and 6 miles 7 furlongs such bridge shall not be less than 20 feet in width in the clear and shall have a clear headway above the ground of not less than 15 feet ;

A level crossing at the point marked and measured on the deposited plans of the said railway 7 miles and 15 chains ;

The approaches on each side of the bridge carrying Long Lane over the railway not to be steeper than 1 in 30 :

(2) The Company will permit the owner to plant the slopes on the said railway where it passes through the lands of the owner as he may from time to time desire provided that such planting shall be carried out under the superintendence of the engineer of the Company and so as not to in any way interfere with or obstruct the signals of the Company Provided that the Company shall at all times hereafter be entitled to lop top or altogether remove any of such trees as may interfere with or obstruct the said signals :

(3) The Company shall not use or permit any siding constructed on any of the lands purchased from the owner to be used as a fish depôt :

(4) The provisions in this section contained shall be in addition to and not in derogation of any rights remedies or compensation to which the owner is or may be entitled under the provisions of this Act or any Acts incorporated herewith :

(5) Any dispute or difference which may arise between the owner and the Company with reference to the provisions of this section (except as regards sub-section 3 hercof) or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be referred to arbitration under the provisions of the Arbitration Act 1889.

For protec-
tion of
Jeremiah
James
Colman.

12. For the protection of the estate of Jeremiah James Colman herein-after called " the owner " (which expression shall include his heirs successors in estate and assigns) the following provisions shall have effect :—

(1) All works of the Company authorised by this Act in connexion with Railway No. 1 (herein-after called " the railway ") shall be so constructed maintained and used as to prevent so far as reasonably practicable injuriously affecting the water supply drawn by the owner from the spring in Gunton

Cliffs at or near to the Warren House at the point marked X on the plan signed by John Wilson on behalf of the Company and by Garrett Taylor on behalf of the owner which said water supply is laid on to the Mansion House known as The Clyffe and other portions of the owner's estate and to part of the village of Corton :

- (2) The Company shall one month before commencing any such works within 500 yards of the said spring give notice to the owner accompanied by plans and sections of such works and shall conform to such reasonable requirements as may from time to time be made by the owner for the purpose of preventing such injuriously affecting as aforesaid Provided always that if the owner for the space of one month after submission to him of such plans together with a request in writing to approve the same shall neglect or refuse to approve thereof or of any part thereof then and in such case the plans so submitted shall be referred to and approved by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers upon the application of either party whose decision shall be final and conclusive between the parties :
- (3) If by reason of the construction maintenance or use of the said works the said water supply shall be diminished or interfered with the Company shall forthwith provide and for ever maintain an equally good and efficient supply of water in lieu thereof and shall compensate the owner for all loss or damage that he may sustain by reason of such diminution or interference during the continuance of the same :
- (4) In constructing the railway the Company shall construct and maintain a station for passengers cattle and goods either at the point marked N or at the point marked O on the said plan at the option of the owner such option to be declared within six months after the passing of this Act If the said station shall be constructed at the point marked N the owner shall at his own expense construct contemporaneously with the construction of the station on the east side of the railway to the reasonable satisfaction of the principal engineer for the time being of the Company suitable and proper approaches to the station from the village of Corton and from Corton Long Lane and the Company shall be at liberty to stop up the occupation crossing No. 32 on the deposited plan in the parish of Corton If the said station shall be constructed at the point marked O on the said plan the Company shall construct and

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maintain an occupation surface crossing for the use of the owner at the point marked M on the said plan :

- (5) The Company shall construct and maintain at their own expense a bridge over the railway having a clear width between the parapets thereof of not less than 30 feet at the point marked D on the said plan such bridge to be erected at the request of the owner if and when the same shall become necessary for the development of the adjacent estate of the owner for use as part of any road or footpath which may be laid out by the owner for the purpose of such development The owner shall provide the land necessary for the approaches :
- (6) The Company shall construct and maintain occupation surface crossings for the use of the owner at or about the points marked C I and L on the said plan :
- (7) The Company shall make the bridges for carrying the railway over the roads next herein-after mentioned with spans not less than the spans herein-after mentioned in connexion therewith respectively (that is to say) :—

Railway.	Number on deposited Plan.	Parish.	Description of Roadway.	Span.
1	1	Hopton	Public	30 feet.
1	17	Hopton	Public	30 feet.

- (8) The Company shall construct the bridges carrying the roads (over the railway) No. 26 on the deposited plans in the parish of Hopton and Nos. 20 and 41 on the deposited plans in the parish of Corton of a clear width of 30 feet between the parapets :
- (9) The Company and the owner may agree for any variation in or in the mode of execution of any works to be executed under the provisions of this section :
- (10) If any difference shall arise between the Company and the owner touching this section such difference shall be settled by an arbitrator to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers the costs of the arbitration to be borne as he shall direct.

For protec-
tion of cor-
poration of
Lowestoft.

13. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Lowestoft (in this section called "the corporation") shall unless otherwise

agreed in writing between the corporation and the Company have effect (that is to say):—

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(1) In this section the expression "railway" means that part of Railway No. 1 and the works connected therewith which the Company are by this Act authorised to construct in the borough of Lowestoft and the expression "street" has the same meaning as that assigned to it by the Public Health Act 1875:

(2) The Company shall not break up any street or interfere with any sewer drain or watercourse of the corporation until they shall have given to the town clerk of Lowestoft seven clear days notice in writing of their intention to commence the intended works accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Company so far as they affect the streets sewers drains and watercourses proposed to be interfered with:

(3) In constructing the bridges for carrying the streets hereinafter mentioned over the railway the Company shall so construct the same that the gradients thereof and of the approaches thereto shall not be steeper than the gradients hereinafter mentioned namely:—

Cemetery Road 1 in 30 or as easy a gradient as possible;

Yarmouth Road 1 in 40:

(4) All bridges carrying any streets over the railway shall be so constructed as to give a clear width between the parapets of not less than the full width of the respective streets where such streets are metalled or paved:

(5) The Company shall construct and maintain on each side and for the full length of every bridge carrying any street over the railway a substantial parapet or close screen not less than 5 feet in height above the level of the footway on such bridge:

(6) All parapets and screens of bridges made by the Company shall be constructed in such reasonably ornamental manner as the corporation shall reasonably approve of and shall not be used for the posting of bills or other advertising purposes on the sides of such parapets or screens facing any public road:

(7) In the exercise of the powers of this Act the Company shall cause as little injury as may be to the streets sewers land and property belonging to or under the control of the corporation and so as to cause no interruption of the traffic over such streets or of the user of such land or property of the corporation. And the Company shall pay compensation to the corporation for all damage and injury loss and expenses whatsoever which

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the corporation may sustain or be put to by reason of the exercise of the said powers or any of them :

- (8) When the surface of any street has been interfered with or disturbed by the Company in constructing the works or exercising the powers by this Act authorised the Company shall well and sufficiently and to the reasonable satisfaction of the corporation restore the surface of the streets so interfered with or disturbed :
- (9) Whenever it may be necessary to intercept or interfere with any existing sewer or drain the Company shall before intercepting or interfering with such existing sewer or drain construct according to a plan to be reasonably approved by the corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be intercepted or interfered with and in such manner as shall be reasonably approved by the corporation :
- (10) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any additional cost in altering any existing sewer or drain or shall hereafter incur any additional cost in the sewerage and drainage of the borough the Company shall repay to the corporation such cost :
- (11) If by reason of the execution of any of the powers of this Act any increased length of sewers or drains or any additional apparatus shall become necessary the same shall be constructed and laid by the corporation at the expense of the Company :
- (12) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be determined by arbitration.

Penalty imposed unless railways opened within the time limited.

14. If the Company fail within the period limited by this Act to complete the railways by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every

sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the supreme court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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15. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways by this Act authorised or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Application
of penalties.

16. If the railways by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion of
works.

17. The railways by this Act authorised shall subject to the provisions of this Act be in respect of tolls rates and

Tolls on
railways.

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Persons under disability may grant easements &c.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Lands for extraordinary purposes.

19. The Company in addition to any other lands which by this Act they are authorised to acquire may by agreement from time to time purchase additional land for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 connected with their general undertaking not exceeding in quantity ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

20. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Owners may be required to sell parts only of certain buildings and property.

21. And whereas in the construction of the railway or otherwise in exercise of the powers of this Act it may happen that a portion only of the buildings and property shown on the deposited plans and described in the schedule to this Act may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said buildings and property without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the buildings and property described in the schedule to this Act and whereof a part only is required for the purposes of this Act may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such buildings and property without material detriment thereto be required to sell and convey to the Company the portion only of the said buildings and property so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof the Company paying for the portion required by them and

making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. A.D. 1897.

22. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

23. The Company and any company or persons for the time being working or using the railways by this Act authorised or other railways of the Company or any of them or any part or parts thereof either by agreement or otherwise may run over work and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description the authorised Mundesley branch belonging to the Midland Railway Company and the Great Northern Railway Company (herein-after called "the two companies") jointly and worked and managed by the Midland and Great Northern Railways Joint Committee (herein-after called "the joint committee") between the junction therewith of Railway No. 2 by this Act authorised and any terminal or other station which the two companies or either of them or the joint committee may construct at or near Mundesley together with any and every such station and all other stations and all roads platforms points signals water water-engines engine-sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said portion of railway and stations and as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portion of railway and stations as are now authorised to be taken upon or in respect thereof. Running powers.

A.D. 1897.
 Terms of
 such user

24. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid for and in respect of the use of such portion of the Mundesley branch shall be the following (that is to say) :—

(A) As regards traffic carried under the powers of this Act over the said portion of the Mundesley branch to and from the Railway No. 2 by this Act authorised from or to the Company's station at North Walsham the same as those provided for in the agreement dated the 9th day of May 1888 between the Eastern and Midlands Railway Company and the Company a copy of which is set out in the Third Schedule to the Eastern and Midlands Railway (Further Powers) Act 1888 in respect of the user of the Mundesley branch for other traffic of the Company together with an addition of one mile to the proportions provided for by sub-paragraphs (A) (B) (C) and (D) of Article 5 of that agreement where such traffic as is referred to in those sub-paragraphs respectively is carried under the powers of this Act both into and out of Mundesley Station :

(B) As regards traffic carried under the powers of this Act to and from any stations on Railway No. 2 by this Act authorised from or to the Mundesley Station or from or to any station on the portion of the Eastern and Midlands Railway lying between Mundesley Station and North Walsham a mileage proportion of the through rates charged with the usual clearing house terminals together with an addition of a toll as for one mile beyond the distance actually traversed where the traffic is carried under the powers of this Act both into and out of Mundesley Station.

The Company or such other company or persons as aforesaid shall have the right to fix their own rates fares and charges for such traffic and shall be allowed twenty per centum for working expenses before the division of the through rates as aforesaid.

Byelaws to
 be observed.

25. In running over and using the before-mentioned portion of the Mundesley branch and stations sidings and conveniences the Company shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used so far as such byelaws shall be applicable to them.

Tolls on
 traffic con-
 veyed partly
 on the rail-

26. During the exercise of any running powers by this Act conferred the railways of the Company and of the two companies shall for the purposes of short distance rates and charges be

considered as one railway and in estimating the amount of rates and charges in respect of passenger traffic conveyed partly on the railways of the Company and partly on the railways of the two companies for a less distance than three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and no other short distance charge shall be made for the conveyance of passengers partly on the railways of the Company and partly on the railways of the two companies and in estimating the amount of rates and charges in respect of merchandise traffic so conveyed the classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto (including perishable merchandise by passenger train) contained in the schedule to the Great Eastern Railway Company (Rates and Charges) Order 1891 (which order is scheduled to and confirmed by the Great Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891) shall be applicable.

A.D. 1897.
ways of the
Company and
partly on
other rail-
ways.

27. The Company may apply for or towards any of the purposes of this Act or of any of their existing Acts to which capital is properly applicable any money which they are already authorised to raise or which they may be authorised to raise by any other Act passed in the present session of Parliament and which may not be required by them for the special purposes (if any) for which that money was or may be authorised to be raised Provided always that when by any existing Act or any Act passed in the present session relating to the Company the amount which the Company may raise and apply for any specified purpose is limited nothing in this section shall authorise the Company to raise or apply for such purpose any sum beyond the amount so limited.

Power to
apply exist-
ing funds.

28. Nothing in this Act contained shall exempt the Company or any other railway company or their undertaking from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares tolls or charges or the rates for small parcels authorised by any Act relating to the Company or to such other railway company.

Provision as
to general
Railway
Acts.

29. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

Expenses of
Act.

A.D. 1897.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING THE LANDS BUILDINGS AND PREMISES WHEREOF
 PORTIONS ONLY ARE REQUIRED TO BE TAKEN BY THE COMPANY.

Work.	Parish.	No. on deposited Plans.
Railway No. 1	Lowestoft	19
Railway No. 2	Ridlington	5 6 7
	Walcott	18 27
	Happisburgh	1

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